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Via ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
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May 20, 2024

Re: *In re Google Digital Advertising Antitrust Litigation*, 21-md-03010 (PKC); *In re Google Digital Advertising Antitrust Litigation*, No. 21-cv-07001 (PKC); *Singh v. Google LLC et al.*, No. 23-cv-03651 (PKC); *Stellman v. Google LLC et al.*, No. 23-cv-01532 (PKC); *In re Google Digital Publisher Litigation*, No. 21-cv-07034 (PKC); *Inform Inc. v. Google LLC et al.*, No. 23-cv-01530 (PKC)

Dear Judge Castel:

We write on behalf of Defendants Google LLC, Alphabet Inc., and YouTube, LLC (together, “Google”) to respectfully seek leave under Pre-Trial Order No. 5 (ECF No. 394) and Local Rule 33.3 to serve contention interrogatories related to allegations in each of the following complaints: (i) the Consolidated Advertiser Class Action Complaint (ECF No. 399), (ii) Plaintiff Singh’s Class Action Complaint (No. 23-cv-03651 (PKC), ECF No. 1), (iii) Plaintiff Stellman’s Class Action Complaint (No. 23-cv-01532, ECF No. 1), (iv) the Publisher Plaintiffs’ First Amended Consolidated Class Action Complaint (ECF No. 408), and (v) Plaintiff Inform Inc.’s Second Amended Complaint (ECF No. 797). The named plaintiffs in these complaints indicated that they did not agree with service of contention interrogatories absent leave of the Court. The next conference in this action before this Court is scheduled for May 21, 2024.

Pre-Trial Order No. 5 limits the parties from serving interrogatories “except in compliance with Local Rule 33.3(a) without first obtaining leave of Court, except as follows: defendants may serve one set of interrogatories not to exceed 25 questions on each named plaintiff, including named class representatives, in each Member Case by January 27, 2023.” Google previously served these interrogatories. Under Local Rule 33.3(c), “at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served unless the Court has ordered otherwise.”

As contemplated by Local Rule 33.3(c), now that fact discovery is nearly closed, Google seeks to serve on each named plaintiff a set of contention interrogatories seeking confirmation of

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Plaintiffs' contentions or the basis for contentions in their complaints, such as facts and evidence underlying allegations, figures, and/or statistics alleged in the complaints. For example, this includes Plaintiffs' contentions regarding the proposed relevant markets, the interchangeability of certain ad tech products, and the basis for Plaintiffs' damages claims. The proposed sets of contention interrogatories Google seeks to serve are found in Exhibits A, B, C, D, and E to this letter motion. These interrogatories also comply with Local Rule 33.3(b), seeking information which cannot be more efficiently achieved through depositions or requests for production. Indeed, the Court has recently granted Plaintiffs' requests to serve similar contention interrogatories seeking contentions or identification of documents, including on topics similar to Google's proposed contention interrogatories such as the relevant markets. *See* ECF No. 779, 776, and 776-1.

Accordingly, Google respectfully requests leave from the Court to serve the contention interrogatories attached hereto as Exhibits A, B, C, D, and E to obtain clarity on certain allegations and claims made in the operative complaints.

Sincerely,

/s/ Justina K. Sessions

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CC: All Counsel of Record (via ECF)